

## DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### LOW LOSS ISOTOPIC OPTICAL WAVEGUIDES

the specification of which (I authorize Choate, Hall & Stewart to check one of the following, three choices, and fill in the blanks, if applicable):

  X   is attached hereto

       was filed on        as Application Serial No.        and amended on        (if applicable).

       was filed as PCT international application No.       ,  
on        and was amended under PCT Article 19  
on        (if applicable).

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledged the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):

NUMBER	COUNTRY	FILING DATE	PRIORITY CLAIMED	
			YES	NO

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION NUMBER	FILING DATE	STATUS

PCT Applications designating the United States:

PCT APPLICATION NUMBER	FILING DATE	STATUS

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national filing date of this application.

Provisional Application(s):

APPLICATION NUMBER	FILING DATE	STATUS
60/266,792	February 6, 2001	Pending

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these

statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United State Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Full name of first inventor	Thomas G. Brown
Inventor's Signature	
Residence	
Citizenship	
Post Office Address	Same
Full name of second inventor	B.A. Painter, III
Inventor's Signature	
Residence	5422 Lee Highway, Troutville, VA 24175
Citizenship	
Post Office Address	Same

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ATTORNEY DOCKET NUMBER: 2003722-0000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Brown, *et al.*  
Serial No.: Not yet assigned  
Filing Date: February 5, 2002  
Title: Low Loss Isotopic Optical Waveguides

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, DC 20231

Sir:

**WRITTEN ASSERTION OF SMALL ENTITY STATUS**  
**UNDER 37 CFR §1.27(a)(2)**  
**SMALL BUSINESS CONCERN**

The undersigned hereby asserts entitlement to small entity status as a small business concern under 37 CFR §1.27(a)(2) on behalf of Phonon Technologies Corporation. This assertion is made on the ground that Phonon Technologies Corporation is a concern:

(a) whose number of employees, including affiliates, does not exceed 500 persons; and

(b) that *has not* assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey, or license, any rights in the above-referenced patent application to any party who does not qualify for small entity status either as a person, a small business concern, or a nonprofit organization under 37 CFR §1.27, as set forth in 13 CFR §121.802.

Respectfully Submitted,

\_\_\_\_\_  
Name:  
Title:  
Date:

CHOATE, HALL & STEWART  
53 State Street  
Exchange Place  
Boston, MA 02109  
Phone: (617) 248-5000  
Fax: (617) 248-4000

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ASSISTANT COMMISSIONER FOR PATENTS  
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Sir:

**APPOINTMENT OF ATTORNEY**

The undersigned individuals authorized to sign on behalf of the assignee in the above-referenced case hereby appoint:

Sam Pasternack, Reg. No. 29,576; Brenda Herschbach Jarrell, Reg. No. 39,223; Kevin Tormey, Reg. No. 41,351; Elizabeth E. Nugent, Reg. No. 43,839; Karoline K.M. Shair, Reg. No. 44,332; Anne-Marie Dinius, Reg. No. 45,592; Valarie B. Rosen, Reg. No. 45,698; C. Hunter Baker, Reg. No. 46,533; Monica Gerber, Reg. No. 46,724; Elijah Cocks, Reg. No. 47,499; John A. Hamilton, III, Reg. No. 48,946; and Howard H. Bayless, Reg. No. P-51,245

as its attorneys and agents for prosecution of matters relating to the above-identified patent application and to conduct all business in the United States Patent and Trademark Office.

All correspondence should be sent to Sam Pasternack, Ph.D., Choate, Hall & Stewart, Exchange Place, 53 State Street, Boston, Massachusetts 02109.

**PHONON TECHNOLOGIES  
CORPORATION**

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_